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Attorneys for Defendants James Schroeder and Dolores Matteucci

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

DISABILITY RIGHTS OREGON,  
METROPOLITAN PUBLIC DEFENDER  
SERVICES, INC., and A.J. MADISON,

Plaintiffs,

v.

JAMES SCHROEDER, in his official capacity  
as head of the Oregon Health Authority, and  
DOLORES MATTEUCCI, in her official  
capacity as Superintendent of the Oregon State  
Hospital,

Defendants,

and

LEGACY EMANUEL HOSPITAL &  
HEALTH CENTER d/b/a UNITY CENTER  
FOR BEHAVIORAL HEALTH LEGACY  
HEALTH SYSTEM, PEACEHEALTH, and  
PROVIDENCE HEALTH & SERVICES,

Intervenors.

Case No. 3:02-cv-00339-MO (Lead Case)  
Case No. 3:21-cv-01637-MO (Member Case)  
Case No. 6:22-CV-01460-MO (Member Case)

UNOPPOSED MOTION FOR EXTENSION  
OF TIME TO DISCHARGE PATIENTS

JAROD BOWMAN, JOSHAWN DOUGLAS-SIMPSON,

Plaintiffs,

v.

DOLORES MATTEUCCI, Superintendent of the Oregon State Hospital, in her individual and official capacity, JAMES SCHROEDER, Director of the Oregon Health Authority, in his official capacity, and PATRICK ALLEN in his individual capacity,

Defendants,

and

LEGACY EMANUEL HOSPITAL & HEALTH CENTER d/b/a UNITY CENTER FOR BEHAVIORAL HEALTH LEGACY HEALTH SYSTEM, PEACEHEALTH, and PROVIDENCE HEALTH & SERVICES,

Intervenors.

Case No. 3:21-cv-01637-MO (Member Case)

LEGACY EMANUEL HOSPITAL & HEALTH CENTER d/b/a UNITY CENTER FOR BEHAVIORAL HEALTH; LEGACY HEALTH SYSTEM; PEACEHEALTH; and PROVIDENCE HEALTH & SERVICES OREGON,

Plaintiffs,

v.

JAMES SCHROEDER, in his official capacity as Director of Oregon Health Authority,

Defendant.

Case No. 6:22-CV-01460-MC (Member Case)

### **CERTIFICATE OF CONFERRAL**

Pursuant to Local Rule 7-1(a)(1)(A), counsel for Defendants conferred with Plaintiffs' counsel and Intervenors' counsel regarding this motion. They do not oppose this motion.

### **MOTION**

On September 1, 2022, this Court entered an Order at ECF No. 271 that limits the length of inpatient restoration at the Oregon State Hospital (OSH) for a person ordered committed to OSH pursuant to ORS 161.370 as follows:

- For patients whose most serious charge is a misdemeanor, the maximum duration of commitment for restoration shall be the lesser of the maximum permissible sentence for the underlying offense or 90 days;
- For patients whose most serious charge is a felony, the maximum duration of commitment for restoration shall be six (6) months, unless the felony is listed in ORS 137.700(2) (Measure 11 Crimes), in which case the maximum duration of commitment for restoration shall be one year.
- Patients admitted to OSH on or before September 1, 2022, who have exceeded the length of restoration set forth in this Court's Order, must be discharged no later than March 15, 2023.

Defendants respectfully move for an order granting up to an additional 60 days (until May 15, 2023) to discharge five patients who were admitted to OSH before September 1, 2022, who have exceeded the length of restoration under this Court's Order. These patients are charged with Measure 11 crimes and are still under active commitment orders pursuant to ORS 161.370. The basis for this request is to allow additional time for the counties and OSH to continue working together to arrange safe and appropriate placements following discharge, which has not yet occurred due to the press of work throughout the system that followed this

Court's September 1 Order. The court-appointed neutral expert Dr. Debra Pinals supports this request.

DATED March 8, 2023.

Respectfully submitted,

ELLEN F. ROSENBLUM  
Attorney General

*s/ Carla A. Scott*

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